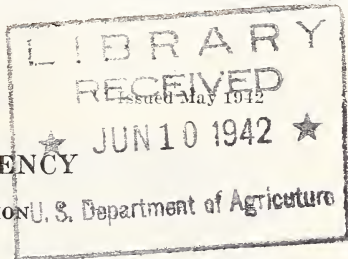


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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the Caustic Poison Act]

103-110

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. MCNUTT, *Administrator, Federal Security Agency.*
Washington, D. C., April 21, 1942.

Nos. 103 to 110 report the seizure and disposition of dangerous caustic or corrosive substances in packages suitable for household use and which were not labeled in accordance with the requirements of the Federal Caustic Poison Act; also of criminal prosecutions based upon shipments of similar products.

103. Misbranding of Wonder Salve. U. S. v. 13 Cans of Wonder Salve. Consent decree of condemnation and destruction. (C. P. A. No. 117. Sample No. 19079-E.)

This product contained 5.44 percent of carbolic acid.

On October 8, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 13 cans, each containing 7 pounds, of Wonder Salve at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce by the Brookgate Remedies Co. from Evansville, Ind., on or about December 21, 1939; and charging that it was misbranded within the meaning of the Federal Caustic Poison Act.

The article was alleged to be misbranded in that it was a dangerous caustic or corrosive substance in packages suitable for household use and contained carbolic acid in a concentration of 5 percent or more, but its label failed to bear the common name of the dangerous caustic or corrosive substance and the word "Poison."

On January 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

104. Misbranding of Young's Preparation. U. S. v. 19 Packages of Young's Preparation. Default decree of condemnation and destruction. (C. P. A. No. 115. Sample No. 20701-E.)

This product contained approximately 36 percent of acetic acid.

On June 25, 1940, the United States attorney for the Southern District of Florida filed a libel against 19 packages of Young's Preparation at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about March 4, 1940, by O. L. Brunson from Waycross, Ga.; and charging that it was misbranded in violation of the Federal Caustic Poison Act.

It was alleged in the libel that the article contained acetic acid in a concentration of 20 percent or more and was a dangerous caustic or corrosive substance in packages suitable for household use, and that the packages were misbranded in that the label did not bear or have printed thereon the word "Poison," and that it failed to bear or contain directions for treatment in case of accidental personal injury.

The article was also alleged to be misbranded in violation of the Federal Food, Drug, and Cosmetic Act, as reported in D. D. N. J. No. 334 published under that act.

On September 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

105. Misbranding of Young's Preparation. U. S. v. Oscar Lee Brunson. Plea of guilty. Defendant placed on probation for 3 years. (C. P. A. No. 119. Sample Nos. 537-E, 20701-E.)

This product contained approximately 36 percent of acetic acid.

On March 11, 1941, the United States attorney for the Southern District of Georgia filed an information against Oscar Lee Brunson, Waycross, Ga., alleging shipment by said defendant on or about March 4 and May 31, 1940, from the State of Georgia into the State of Florida, of quantities of Young's Preparation which was misbranded within the meaning of the Federal Caustic Poison Act.

It was alleged in the information that the article contained acetic acid in a concentration of 20 percent or more and was a dangerous caustic or corrosive substance in packages suitable for household use, and that it was misbranded in that the label on the packages did not bear the word "Poison" nor directions for treatment in case of accidental personal injury.

The information also charged that the article was misbranded in violation of the Federal Food, Drug, and Cosmetic Act as reported in notices of judgment published under that act.

On June 16, 1941, a plea of guilty having been entered, the court placed the defendant on probation for 3 years.

106. Misbranding of oxalic acid. U. S. v. 132 Packages of Oxalic Acid. Default decree of condemnation and destruction. (C. P. A. No. 121. Sample No. 56904-E.)

On May 12, 1941, the United States attorney for the District of New Jersey filed a libel against 132 1-pound packages of oxalic acid at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about March 22, 1941, by the Murray-Williams Color & Chemical Co. from New York, N. Y.; and charging that it was misbranded.

The libel alleged that the article contained a salt of oxalic acid in a concentration of 10 percent or more and was a dangerous caustic or corrosive substance in packages suitable for household use, and that the packages were misbranded in that the word "Poison" did not appear on the label in the size prescribed by law and in that the label did not contain directions for treatment in cases of accidental external injury.

On September 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

107. Misbranding of oxalic acid. U. S. v. 49 Packages of Oxalic Acid. Default decree of condemnation and destruction. (C. P. A. No. 114. Sample No. 33302-E.)

On June 13, 1940, the United States attorney for the District of New Jersey filed a libel against 49 1-pound packages of oxalic acid at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about November 3, 1939, and April 18, 1940, by the Murray-Williams Color & Chemical Co. from New York, N. Y.; and charging that it was misbranded.

It was alleged in the libel that the article contained a salt of oxalic acid in a concentration of 10 percent or more, was a dangerous caustic or corrosive substance in packages suitable for household use, and that it was misbranded in that the label did not bear or contain the word "Poison" nor directions for treatment in case of accidental personal injury.

On September 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

108. Adulteration and misbranding of One Minute Toothache Stick. U. S. v. 20 Dozen Packages of Toothache Stick. Default decree of destruction. (C. P. A. No. 113. Sample No. 5305-E.)

This product contained approximately 23 percent of carbolic acid.

On or about June 7, 1940, the United States attorney for the Western District of Kentucky filed a libel against 20 dozen packages of Toothache Stick at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about April 12, 1940, by the One Minute Remedies Co. from St. Louis, Mo.; and charging that it was misbranded.

It was alleged in the libel that the article contained carbolic acid in a concentration of 5 percent or more and was a dangerous caustic or corrosive substance in packages suitable for household use, and that the packages were misbranded in that the label did not bear the word "Poison," nor did the label bear or contain any directions for treatment in case of accidental personal injury and no statement of the common name of the dangerous caustic or corrosive

substance contained in the article, namely, carbolic acid. It was also alleged to be adulterated and misbranded in violation of the Federal Food, Drug, and Cosmetic Act, as reported in D. D. N. J. No. 330 published under that act.

On October 15, 1940, no claimant having appeared, judgment was entered ordering that the product be destroyed.

109. Misbranding of Glacial-Acetic and ammonia. U. S. v. Osmund & Co. Plea of guilty. Fine, \$10. (C. P. A. No. 122. Sample Nos. 60019-E, 60021-E.)

These products were labeled "Glacial-Acetic" and "26° Ammonia," respectively. The former was acetic acid and the latter contained 28.93 percent of ammonia.

On September 19, 1941, the United States attorney for the District of Oregon filed an information against Osmund & Co., a corporation, Portland, Oreg., alleging shipment on or about January 27 and 31, 1941, from the State of Oregon into the State of Washington of quantities of Glacial-Acetic and ammonia which were misbranded.

The information alleged that the former contained acetic acid in a concentration of 20 percent or more and that the latter contained ammonia in a concentration of 5 percent or more, that they were both dangerous caustic or corrosive substances in containers suitable for household use, and that the packages were misbranded in that the labels affixed thereto did not bear or contain the word "Poison" as required by law.

On September 25, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

110. Misbranding of Pick-Me-Up Bath and Hangover Bath. U. S. v. 71 Bottles of Pick-Me-Up Bath and 60 Bottles of Hangover Bath. Default decree of condemnation and destruction. (C. P. A. No. 120. Sample Nos. 50077-E, 50078-E.)

The Pick-Me-Up Bath contained 16.5 percent by weight of ammonia, and the Hangover Bath contained 15.7 percent by weight of ammonia.

On February 6, 1941, the United States attorney for the District of Columbia filed a libel against 65 3-ounce bottles, 3 12-ounce bottles, and 3 25-ounce bottles of Pick-Me-Up Bath; and 53 3-ounce bottles, 4 12-ounce bottles, and 3 25-ounce bottles of Hangover Bath at Washington, D. C., alleging that the articles had been shipped in interstate commerce within the period from on or about February 7 to December 21, 1940, by Xandra, Ltd., from New York, N. Y.; and charging that they were misbranded in violation of the Federal Caustic Poison Act.

The articles were alleged to be misbranded in that the label failed to bear the common or usual name of the substance, ammonia; the word "Poison"; and directions for treatment in case of accidental personal injury.

The articles were also alleged to be misbranded in violation of the Federal Food, Drug, and Cosmetic Act, as reported in notices of judgment on drugs and devices published under that act.

On February 27, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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